

Pursuant to Rule 41(a)(1)(ii) of the Federal Rules of Civil Procedure, it is hereby stipulated by and between the parties, through their respective counsel of record and subject to the approval of the Court that:

1. The above-captioned action shall be dismissed with prejudice in its entirety;
2. The Parties shall bear their own costs and expenses, including reasonable attorney fees;
3. This Court has jurisdiction over the Parties and the subject matter of the Complaint and Answer filed herein. This Court retains jurisdiction for enforcing the Settlement Agreement between the Parties.

Dated: July 19, 2004

By: /s/ I Braun Degenshein

I Braun Degenshein
Attorney for Plaintiff,
CALIFORNIA PACIFIC LABS, INC.

Concurrence in the filing of this document has been obtained by Thomas F. Smegal, Jr. from Plaintiff's Counsel, I Braun Degenshein, which shall serve in lieu of his signature on the document.

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: July 19, 2004

By: /s/ Thomas F. Smegal, Jr.

Thomas F. Smegal, Jr.
Irfan A. Lateef
Attorneys for Defendants, NALGE NUNC
INTERNATIONAL CORPORATION and
APOGENT TECHNOLOGIES, INC.

IT IS SO ORDERED.

Dated: _____

THE HONORABLE JEREMY FOGEL
UNITED STATES DISTRICT COURT JUDGE

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